

MINUTE ENTRY
ENGELHARDT, J.
AUGUST 30, 2017

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION

MDL 2740

SECTION "N"

JUDGE KURT D. ENGELHARDT PRESIDING

WEDNESDAY, AUGUST 30, 2017 AT 9:30 A.M.

COURTROOM DEPUTY: Cherie Stouder/Crystal Lee
COURT REPORTER: Cathy Pepper
LAW CLERK: Chynna Anderson

APPEARANCES: Douglas Moore, counsel for Sanofi Defendants'
Clifton Merrell, counsel for Sandoz Inc. Defendants'
John Olinde, counsel for Hospira Defendants'
Chris Coffin, Bruce Kingsdorf and Karen Menzies, counsel for Plaintiffs'
Dawn Barrios and Palmer Lambert, Plaintiffs' Liaison Counsel
(see attached list for additional attorneys in attendance)

1) MOTION OF DEFENDANTS' TO DISMISS PLAINTIFFS' MASTER LONG FORM COMPLAINT (REF: ALL CASES)

(Rec. Doc. No. 489): ARGUMENT - IT IS ORDERED that Defendants' motion is **DENIED** with respect to Count One and Counts Three through Seven of Plaintiffs' Master Long Form Complaint.

IT IS FURTHER ORDERED that with respect to Counts Two and Eight of the Master Long Form Complaint, which allege strict liability for misrepresentation and breach of express warranty, respectively, Plaintiffs shall have fourteen (14) days to provide counsel and the Court with supplemental briefing or an amendment to the Master Long Form Complaint clearly identifying what express statements or language constitutes the alleged misrepresentation or warranty.

JS-10: 0:50

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2) MOTION OF PLAINTIFFS' TO REMAND CERTAIN CASES TO THE SUPERIOR COURTS OF CALIFORNIA (REF: 17-CV-1812, 17-CV-1813, 17-CV-1814, 17-CV-3864, 17-CV-3866, 17-CV-3865, 17-CV-3867, 17-CV-2356, 17-CV-5832, 17-CV-5833)

(Rec. Doc. No. 469): IT IS ORDERED that the motion is **GRANTED IN PART** and **DENIED IN PART**. With regard to Plaintiffs Joann Pickrell's (17-1813), Candyse Jenkins' (17-3866), and Vera Smith's (17-5832) civil actions, the motion to remand is **GRANTED**, and these Plaintiffs' claims shall be remanded to California state court.

With respect to Plaintiffs Susan Fuller (17-1812), Margaret Wright (17-1814), Robin Castagnola (17-3864), Mary Gardner (17-3865), and Judy Johnson (17-5833), the motion to remand is **DENIED**. Within ten (10) days, counsel shall file a motion to dismiss without prejudice as to McKesson in these member cases.

IT IS FURTHER ORDERED that counsel shall have ten (10) days to submit supplemental briefing regarding the possible severance of the two multi-plaintiff cases, *Ernyes-Kofler, et al. v. Sanofi S.A., et al.* (17-CV-3867) and *McCallister, et al. v. Sanofi S.A., et al.* (17-CV-2356).

3) MOTION OF PLAINTIFFS' TO REMAND TO the Superior Court of Delaware (REF: 17-CV-3871; 17-CV-3871; 17-CV-3893; 17-CV-3894; 17-CV-3895; 17-CV-3896; 17-CV-3897; 17-CV-3901; 17-CV-3904; 17-CV-3905; 17-CV-3906; 17-CV-3908; 17-CV-3909; 17-CV-3909; 17-CV-3911; 17-CV-3917; 17-CV-3932; 17-CV-3933; 17-CV-01891; 17-CV-3935; 17-CV-3938; 17-CV-3939; 17-CV-3941; 17-CV-3949; 17-CV-3953; 17-CV-3954; 17-CV-3962; 17-CV-3965; 17-CV-3968; 17-CV-3977; 17-CV-3979; 2:17-CV-02891; 17-CV-4008; 17-CV-4009; 17-CV-4011; 17-CV-4012; 17-CV-4014; 17-CV-3978; 17-CV-3974; 17-CV-3969; 17-CV-3967; 17-CV-4016; 17-CV-4016; 17-CV-4021; 17-CV-4023; 17-CV-4028; 17-CV-4027; 17-CV-4025; 17-CV-4020; 17-CV-4010; 17-CV-3976; 17-CV-3975; 17-CV-3970; 17-CV-3964; 17-CV-3960; 17-CV-3951; 17-CV-3948; 17-CV-3952; 17-CV-3947; 17-CV-3912

(Rec. Doc. 473): IT IS ORDERED that the motion is **GRANTED**, and the referenced cases shall be remanded to the Superior Court of Delaware.